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ENTERED  
Office of Proceedings  
APR 13 2009  
Part of  
Public Record

April 13, 2009



WRITER'S E-MAIL

**VIA HAND DELIVERY**

**FILED**

The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, D C 20423-0001

APR 13 2009

**SURFACE  
TRANSPORTATION BOARD**

224881

Re STB Docket No. AB-33 (Sub-No 261), Union Pacific Railroad  
Company – Abandonment – In New Madrid, Scott, and  
Stoddard Counties, Missouri (Essex to Miner Line)

Dear Acting Secretary Quinlan

This letter is filed on behalf of the City of Sikeston, Missouri ("City") in the above-referenced proceeding. The City requests that the Board issue a Public Use Condition, as well as an Interim Trail Use Condition, rather than an outright abandonment authorization of Union Pacific Railroad Company's ("UP") Essex to Miner Line ("the Essex to Miner Line") between Milepost 196.7 near Essex, MO. to Milepost 216.27 near Miner, MO. The City also reserves all of its other rights.

**A. Request For Public Use Condition**

The City asks the STB to find that the Essex to Miner Line property is suitable for public use, specifically trail use, and to place the following conditions on the abandonment:

I. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is that the corridor would make an excellent recreational trail. In addition, the corridor provides important open space and its preservation as a

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recreational trail is consistent with those purposes. The time period sought is 180 days from the effective date of the abandonment authorization. The City needs this much time to assemble and review land records and begin negotiations with the carrier.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

**B. Request For Interim Trail Use Condition**

The Essex to Miner Line is suitable for railbanking. In addition to the public use condition sought above, the City informs the Board that it is interested in acquiring or using the Essex to Miner Line right-of-way for interim trail use and rail banking pursuant to 16 U.S.C. §1247(d). In support of this request, the City states as follows:

- **Statement of Willingness to Assume Financial Responsibility** In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d) and 49 CFR §1152.29, the City is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of the Essex to Miner Line right-of-way (unless the City is immune from liability, in which case the City will indemnify UP against any potential liability), and for payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by UP. The property, known as the Essex to Miner Line, extends from railroad milepost 196.7 near Essex, MO to railroad milepost 216.27 near Miner, MO, a distance of 19.57 miles in New Madrid, Scott and Stoddard Counties, Missouri. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No. 261).

- A map depicting the Essex to Miner Line right-of-way is attached.
- The City acknowledges that use of the Essex to Miner Line right-of-way is subject to the City's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

The Honorable Anne K Quinlan  
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**C. Filing Fee**

The City encloses the requisite filing fee.

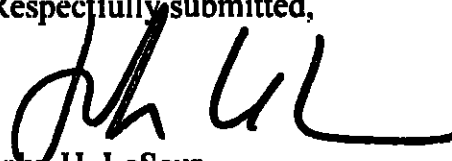
**D. Other Matters**

The City hereby reserves all of its rights in this proceeding including but not limited to the possible submission of a financial assistance offer. The City also requests that it be included as a party to this proceeding and that its undersigned counsel be placed on the service list

**E. Certificate of Service**

By my signature below, I certify service of this letter upon Gabriel S Meyer, Assistant General Attorney, Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE 68179, and all other parties of record, by U S Mail, postage pre-paid, first class on April 13, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John H. LeScur', written over a horizontal line.

John H. LeScur  
An Attorney for  
The City of Sikeston, Missouri

Attachment

# Appendix A

Illinois

Alexander County

Scott County

Mississippi County

New Madrid County

Stoddard County

Missouri

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
198 5	3 SPAN TIMBER PILE TREESTILE BALLAST DECK	71	1922
198 6	4 SPAN TIMBER PILE TREESTILE BALLAST DECK	87	1921
198 7	5 SPAN TIMBER PILE TREESTILE BALLAST DECK	79	1926
200 8	3 SPAN TIE-BEAM	29	1923
201 8	4 SPAN TIMBER PILE TREESTILE BALLAST DECK	87	1920
201 9	5 SPAN TIMBER PILE TREESTILE BALLAST DECK	71	1924
203 1	2 SPAN TIE-BEAM	57	1976
203 2	4 SPAN REINFORCED CONCRETE TIE	106	1976
204 2	3 SPAN TIMBER PILE TREESTILE BALLAST DECK	41	1976
204 3	5 SPAN TIMBER PILE TREESTILE BALLAST DECK	89	1920

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
204 4	5 SPAN TIMBER PILE TREESTILE BALLAST DECK	72	1924
204 5	7 SPAN TIMBER PILE TREESTILE BALLAST DECK	100	1924
207 4	3 SPAN TIMBER PILE TREESTILE BALLAST DECK	43	1927
207 5	5 SPAN TIMBER PILE TREESTILE BALLAST DECK	86	1927
207 6	5 SPAN TIMBER PILE TREESTILE BALLAST DECK	71	1928
207 7	5 SPAN TIMBER PILE TREESTILE BALLAST DECK	66	1921
212 7	4 SPAN TIMBER PILE TREESTILE BALLAST DECK	97	1921
213 3	1 SPAN DECK PLATE GIRDER	55	1927
213 5	5 SPAN TIMBER PILE TREESTILE BALLAST DECK	30	1927
215 5	5 SPAN TIMBER PILE TREESTILE BALLAST DECK	23	1927
215 6	1 SPAN DECK PLATE GIRDER	27	1921
215 7	5 SPAN TIMBER PILE TREESTILE BALLAST DECK	89	1920

## Legend

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

Q:\abandonments\ab-33\_261\_sikeston.mxd

## ESSEX TO MINER LINE

MP 198 7 TO MP 216 27  
(includes country of Texas)  
TOTAL OF 18 57 MILES

IN SCOTT COUNTY, MISSOURI = 7 01 MILES  
IN NEW MADRID COUNTY, MISSOURI = 3 66 MILES  
IN STODDARD COUNTY, MISSOURI = 8 44 MILES

UNION PACIFIC RAILROAD CO  
ESSEX TO MINER LINE  
MISSOURI

INCLUDING 50+ YEAR OLD STRUCTURES

